



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 5948-98

13 March 2000

ET2 [REDACTED] USN
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of your performance evaluation for 3 September 1996 to 15 March 1997, and impliedly requested retroactive advancement to ET1 (pay grade E-7) from the March 1997 examination cycle.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 6 and 29 April and 14 May 1999, the memorandum dated 2 June 1999 from the Commanding Officer, Naval Education and Training Professional Development and Technology Center, memoranda for the record dated 21 December 1999 and 19 January 2000, and your reporting senior's letter dated 11 February 2000, copies of which are attached. They also considered your rebuttal letter dated 8 March 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Notwithstanding the favorable advisory opinions dated 6 and 29 April 1999, your reporting senior's letter persuaded the Board that you were, in fact, measured in February/March 1997 and found not in compliance with body fat standards; that your reporting senior properly marked you; and that he properly withdrew your recommendation for advancement. They noted that his letter does acknowledge that you requested additional help in lowering your body fat by applying for a weight control program at the Alcohol Rehabilitation Center,

Norfolk, Virginia. However, he also states that the body fat measurement on which he based his recommendation against your advancement was in February/March 1997, when you were in a command-directed physical conditioning program. They were unable to find that your reporting senior was incorrect in stating that you failed two Physical Readiness Test (PRT) cycles, or that he applied incorrect body fat standards. In this regard, they noted that your OPNAV 6110/2 shows that you were measured at 35 percent body fat, above the maximum, in 1995. They were likewise unable to find that your reporting senior signed your contested performance evaluation without knowing what he was signing. Finally, they noted that your medical waiver was from taking the PRT, not from having your body fat measured.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

594898
6110
Ser 601/0315
06 APR 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO PETTY OFFICER
[REDACTED], USN, [REDACTED]

Ref: (a) NPC memo 5420 Pers-00ZCB/NPC-00ZCB of 26 Mar 99
(b) NAVADMIN 071/93

1. The following is provided in response to reference (a):

a. Correction to the member's record is justified. Petty Officer [REDACTED] evaluation for the period of 3 September 1996 to 15 March 1997 indicates that she was medically waived and not within standards (M/NS) per block 20 on NAVPERS 1616/2. According to the 6110/2, she was medically waived but never had any special measurements taken or documented on the 6110/2. Per reference (b), she may be recommended for advancement, frocking, and other important career events once within standards. Special measurements are authorized for evaluation purposes, but only members that failed the two most recent semi-annual PRT/BF cycles may not be recommended for advancement/promotion.

b. Recommend correction of blocks 36 and 45 of NAVPERS 1616/26 of Petty Officer [REDACTED] evaluation Report.

2. My point of contact is HMCS (SW/FMF) [REDACTED] at
([REDACTED])
[REDACTED]

Captain, U.S. Navy
Director, Navy Drug and Alcohol,
Fitness, Education, and
Partnerships Division (NPC-60)

5
AO
(3)



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5948-98

1610
NPC-311
29 APR 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: ET2 [REDACTED], USN, [REDACTED]

Ref: (a) BUPERINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of the performance report for the period of 3 September 1996 to 15 March 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's record revealed the report in question to be on file. The member signed the report indicating her desire to submit a statement. Per reference (a), the member has two years from the ending date of the report to submit a statement if desired. A statement was not received by Pers-322 from the member.

b. The member alleges that the performance trait of "1.0" in "Military Bearing", and the promotion recommendation of "Significant Problems" is unjust due to being medically waived from the last official Physical Readiness Test (PRT).

c. Per reference (a), Annex A, page A-4, block 20, the score from the most recent official PRT should be used or a more recent special measurement should be taken to ensure accuracy of the entry. The member provides with her petition a copy of her Risk Factor Screening, which does not document that a special measurement was taken. We feel that the entry in block 20 does not accurately reflect the member's physical readiness during the period in question.

d. The member does prove the report to be unjust or in error.

Subj: ET [REDACTED], U [REDACTED]

4. We recommend block 20 be changed to reflect the same entry of the previous report ending 2 September 1996. We also recommend, block 36, "Military Bearing", be changed to reflect a trait mark of "2.0", and block 45, be changed to reflect a promotion recommendation of "Promotable", as requested by the member.

[REDACTED]
[REDACTED]
[REDACTED]
Head, Performance
Evaluation Branch

**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

1430
Ser 852/185
14 May 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS (BCNR)

Via: BUPERS/BNCR COORDINATOR, PERS-00XCB

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
ET2 [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #059848-98

1. Based on the input from Director, Navy Drug and Alcohol, Fitness, Education and Partnerships Division (PERS-60) and Performance Evaluation Branch (PERS-311), enclosure (1) is returned recommending approval of ET2 [REDACTED] petition. Should the evaluation be changed, Petty Officer [REDACTED] would be eligible for a backdated September 1996 (Cycle 152) increment advancement to Petty Officer [REDACTED] class.

2. It is recommended that Petty Officer [REDACTED] September 1996 (Cycle 152) examination be revalidated. Effective date of advancement should be 16 June 1997 with a time in rate date of 01 January 1997.

[REDACTED]
By direction

5948-98



DEPARTMENT OF THE NAVY
NAVAL EDUCATION AND TRAINING PROFESSIONAL
DEVELOPMENT AND TECHNOLOGY CENTER
6490 SAUFLEY FIELD ROAD
PENSACOLA, FLORIDA 32509-5240

1430
N321
2 June 1999

From: Commanding Officer, Naval Education and Training Professional Development and Technology Center (NETPDTC)

To: Head, Performance Section, Board for Corrections of Naval Records (BCNR)

Subj: EXAM [REDACTED]

Ref: (a) Phonecon Between [REDACTED] NETPDTC [REDACTED]

1. In response to reference (a), [REDACTED] took the ET1 exam during Cycle 155 (March 1997). The Final Multiple Required for that exam was 218.33. Petty Officer [REDACTED] scored 220.42. Petty Officer [REDACTED] would have been advanced on 16 December 1997 with a Time in Rate date of 1 July 1997.

2. The release of this information is covered by the Privacy Act (Title 10 to the U.S. Code) and may used to help determine eligibility for enlistment, reenlistment or affiliation in the Naval Reserve.

3. For further information you may contact [REDACTED]

[REDACTED]
By direction

MEMORANDUM FOR THE RECORD
DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
PERFORMANCE SECTION
2 NAVY ANNEX, STE. 2432
WASHINGTON, DC 20370-5100
COMM: (703) 614-9842 OR DSN: 224-9842
FAX: (703) 614-9857 OR 224-9857

DATE: 21DEC99
DOCKET NO: 5948-98
PETITIONER (PET): E. [REDACTED] USN
PARTY DISCUSSED CASE WITH: [REDACTED] PCNR
TELEPHONE NO: [REDACTED]
WHAT I SAID: N/A
WHAT PARTY SAID: [REDACTED] INFORMED ME THAT THE RS HAD NOT
RESPONDED TO THE LETTER SHE SENT HIM ON 3JUN99.

[REDACTED]

MEMORANDUM FOR THE RECORD

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
PERFORMANCE SECTION
2 NAVY ANNEX, STE. 2432
WASHINGTON, DC 20370-5100
COMM: (703) [REDACTED]
FAX: (703) [REDACTED]

DATE: 19JAN00

DOCKET NO: [REDACTED]

PETITIONER (PET): [REDACTED], USN

PARTY DISCUSSED CASE WITH: PET

TELEPHONE NO: [REDACTED]

WHAT I SAID: I ASKED PET IF SHE WOULD LIKE HER CONTESTED EVAL
MODIFIED OR REMOVED.

WHAT PARTY SAID: PET INFORMED ME THAT SHE WOULD LIKE THE
CONTESTED EVAL REMOVED.

[REDACTED]

11 February, 2000

[REDACTED]
Head, Performance Section
Board for Correction of Naval Records
2 Navy Annex
Washington DC 20370-5100

Dear Sir,

Subject: [REDACTED] Performance evaluation for 3Sep96 to 15Mar97

1. In response to your letter dated 7 January 2000, the following information has been compiled and an explanation of those findings is included. I have been in contact with my former Executive Officer, Master Chief of the Command, Administrative Officer and Legal Officer and all are in concurrence with the following [REDACTED] arrived at SIMA Portsmouth 3 October 96 and it was determined that she had not successfully completed a PRT cycle since February 23, 1994. Since she already had one failure prior to her pregnancy, she was instructed about the OPNAV directed program and the consequences of additional failures. She was measured and found to be out of standards and subsequently placed on a Command Directed Physical Conditioning Program. She was cleared by Medical to participate but showed little to no progress prior to the end of the evaluation performance period. Computer records from the semi annual Command PRT completed in the Feb/Mar 97 timeframe show that she failed the body fat measurements hence the reason for the marks on her evaluation. These computer record sheets were a permanent part of her OPNAV 6110/2 and were not included in her package for correction. She then requested additional help in lowering her body mass by applying for a weight control program at ARC Norfolk. The 5 May 97 entry on her PRT folder appears to have some inconsistencies; taller, bigger neck and smaller hips but the same weight as during the previous failure. This however, was after the evaluation period in question and would be utilized during the next evaluation cycle. Apparently she had additional body mass problems after I retired during the next PRT cycle, hence the page 13 entry on 6 Aug 97. Her contention that another Sailor received a 2.0 is correct but this was IAW enclosure 6 to OPNAVINST 6110 series (one official PRT failure shall receive a maximum grade of 2.0 in military bearing). In her case she had failed not one but two PRT cycles and was not making progress in the CDPC. There was no medical condition to warrant a MW in block 20 since she was cleared by medical in December 1996. Furthermore, those measurements taken while on CDPC as directed by the CO (OPNAVINST 6110, encl. 4, para. 4b) and the official Command PRT in Feb/Mar 97 were the basis for my decision. Therefore, the evaluation marks that I assigned were in compliance with the appropriate instructions at the time and for me to change them would be in direct conflict with the OPNAV instruction. I do not intend to change them.

Thank you for your patience in this matter,

[REDACTED]
Commander, USN Retired

FEB 23 2000